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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,298	12/03/2003	Dean A. Klein	108298619US2	5347

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EXAMINER

WATKO, JULIE ANNE

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,298

Applicant(s)

KLEIN, DEAN A.

Examiner

Julie Anne Watko

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 25-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input checked="" type="checkbox"/> Other: <u>translation of Otaka reference</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Otaka (JP 1-237952).

As recited in claim 25, Otaka shows a method of delivering an optical disk into a carousel comprising:

(a) holding the optical disk in a carousel 2 "disk (1) loaded inside loading shed 2" (see page 10, last paragraph),

(b) delivering the optical disk from the carousel ("right feed position Pr", see page 10, last paragraph) to a location within the carousel ("selected disk (1) is drawn from inside loading shed (2), fed through gateway (32), and mounted in drive mechanism (3)", see page 11, first paragraph) by translating the optical disk in a first direction (Y'),

(c) rotating the disk ("data recording and playback", see page 11, first paragraph), and

(d) delivering the optical disk from the location to the carousel by translating the optical disk in a direction (Y) opposite to the first direction ("When recording or playback of disk (1) by drive mechanism (3) has ended, feed part (50) is driven again to return and load disk (1) to its original loading part in loading shed (2) by the reverse of the operation described above", see page 11, second paragraph).

As recited in claim 27, Otaka shows a method of reading data from an optical disk comprising

- (a) holding the optical disk 1 in a carrousel 2;
- (b) if data from the first side of the optical disk is to be read (see operation A, pages 10-11), then delivering the optical disk to an optical reader 3 and reading the data; and
- (c) if data from the second side of the optical disk is to be read (see pages 10-12, operations A and B, performed consecutively), then delivering the optical disk to a turning mechanism 3, rotating the optical disk, delivering the optical disk to the carrousel 2, delivering the optical disk 1 to the optical reader 3, and reading the data.

3. Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Deis (US Pat. No. 5027335).

As recited in claim 26, Deis shows a method of reading data from an optical disk comprising:

- (a) holding the optical disk 6 in a carrousel 9,
- (b) if data from the first side of the optical disk is to be read, then delivering the optical disk to an optical reader 10 and reading the data; and
- (c) if data from the second side of the optical disk is to be read, then delivering the optical disk to a transfer mechanism along a first direction, delivering the optical disk to the carrousel along the first direction, delivering the optical disk to the optical reader, and reading the data ("mechanical reversal", see col. 1, line 66-col. 2, line 3, especially col. 2, lines 2-3).

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Conclusion

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (703) 305-7742. The examiner can normally be reached on Monday-Thursday, 9AM-5PM, Friday 9AM-7:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Julie Anne Watko
Primary Examiner
Art Unit 2652

August 6, 2004
JAW

